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**NOV 30 2010**  
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In re Application of : DECISION ON PETITION  
JACOBSON et al. :  
Application No. 10/630,282 :  
Filed: 07/30/2003 :  
Attorney Docket No. A01395 :

This is a decision on the petition under 37 CFR 1.181, filed March 31, 2010, to withdraw the holding of abandonment in the above-identified application.

On February 1, 2010, the Board of Patent Appeals and Interferences rendered a decision, affirming the Examiner's decision rejecting the appealed claims. Petitioner had two months from the date of the decision of the Board to take appropriate action. On March 8, 2010, the Office mailed a Notice of Abandonment, indicating that the above-identified application was abandoned in view of the decision by the Board of Patent Appeals and Interference rendered on February 1, 2010, and because the period for seeking court review of the decision had expired and there were no allowed claims.

In the present petition, petitioner avers that the Notice of Abandonment was mailed in error and that the holding of abandonment should be withdrawn. Specifically, petitioner asserts: "Under the provisions of 37 C.F.R § 1.304(a)(1), the time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action is two months from the date of the decision of the Board of Patent Appeals and Interferences." *Petition, p. 2.*

Upon further review, petitioner is correct that the application did not become abandoned until April 2, 2010. However, there is nothing in the record to indicate that petitioner took appropriate action on or before April 1, 2010. Accordingly, the application is currently abandoned in view of the decision by the Board of Patent Appeals and Interference rendered on February 1, 2010, and because the period for seeking court review of the decision has expired and there are no allowed claims.

The petition to withdraw the holding of abandonment is dismissed. The application will remain in its abandoned state until petitioner files a petition to revive the application, accompanied by an appropriate reply and the petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition  
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401 Dulany Street  
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions